

Congress of the United States
Washington, DC 20515

March 15, 2004

The Honorable John Ashcroft
Attorney General of the United States
Department of Justice
200 Independence Avenue, S.W.
Washington, D.C. 20530

Dear Attorney General Ashcroft:

We are writing to express our serious concerns about your continuing efforts to obtain confidential medical records from several university hospitals throughout the United States, including Northwestern Memorial Hospital in Illinois and Columbia Presbyterian Medical Center and the Weill Cornell Medical Center in New York.

As one of the undersigned stated in a letter dated February 12, 2004, your efforts violate both the letter and spirit of existing privacy laws. Through several bipartisan pieces of legislation passed over the last thirty years, including but not limited to *The Privacy Act of 1974*, *The Health Insurance Portability and Accountability Act of 1996*, and *The Fair and Accurate Credit Transactions Act of 2003*, Congress has created a zone of privacy around sensitive medical records. Congressional intent is clear: control over this information should be returned to patients to prevent unwarranted intrusion by government and private sector entities.

While we are pleased that the Justice Department has decided, at least temporarily, to cease its intrusive efforts to obtain confidential abortion records from six Planned Parenthood clinics, we are extremely disappointed by your decision to move forward with efforts to obtain the same data from university hospitals. These heavy-handed efforts strike at the heart of the physician-patient relationship and at the reasonable expectation that patients will decide who may access their most private medical information.

In light of the recent decisions by Federal courts in California and Illinois that Justice Department actions represent an unnecessary intrusion into private medical records, we strongly encourage you to rescind your requests and abandon your efforts to obtain private abortion records from university hospitals. Despite the fact that a federal judge in Michigan recently ruled that records could be released with certain information removed, we are concerned that these omissions do not effectively assure privacy. Your Department's resources would be better spent vigorously enforcing existing privacy laws and supporting the confidentiality of the physician-patient relationship that millions of Americans hold dear. We look forward to working with you to achieve those goals.

Sincerely,



Rahm Emanuel
Member of Congress



Louise M. Slaughter
Member of Congress